

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> Application of)	
)	Group Art Unit: TBA
Patricia L. Smaldone et al.)	
)	Examiner: TBA
Serial No. TBA)	
)	Docket No. 005127.00282
Filed: February 28, 2004)	
)	
For: ARTICLE OF FOOTWEAR HAVING A)	
SOLE STRUCTURE WITH ADJUSTABLE)	
CHARACTERISITICS)	

INFORMATION DISCLOSURE STATEMENT

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

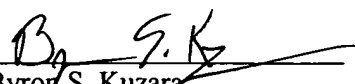
Pursuant to the duty of disclosure set forth in 37 C.F.R. §1.56(a), applicants bring the documents listed on the attached PTO-1449 form to the attention of the Examiner in the above-identified patent application and respectfully request that the Examiner consider these documents. A copy of each "Foreign Patent Document" and "Other Document" listed on Form PTO-1449 is enclosed herewith.

This Information Disclosure Statement is being filed with the above application and, therefore, neither a certification under 37 C.F.R. §1.97(e) nor a fee under 37 C.F.R. §1.17(p) is required. Should a fee be deemed necessary for consideration of this Information Disclosure Statement, however, the Commissioner is authorized to debit deposit account number 19-0733.

Applicant respectfully requests that the documents cited on the attached PTO-1449 form be made officially of record, and that a listing of the documents appear on the face of any patent that may issue from this application.

Banner & Witcoff, Ltd.
1001 G Street, N.W.
Washington, D.C. 20001-4597
Telephone: (202) 824-3000
Dated: January 28, 2004

Respectfully submitted,

By: 
Byron S. Kuzara
Registration Number 51,255

FORM PTO-1449 US DEPARTMENT OF COMMERCE (Rev. 2-32) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 005127.00282	SERIAL NO.
	APPLICANT Patricia L. Smaldone et al.	
	FILING DATE January 28, 2004	GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		D298,583	11/22/1988	Yung-Mao			
		D315,634	03/26/1991	Yung-Mao			
		D433,216	11/07/2000	Avar et al.			
		507,490	10/24/1893	Gambino			
		607,086	07/12/1898	Safford			
		622,673	04/11/1899	Ferrata			
		933,422	09/07/1909	Dee			
		949,754	02/22/1910	Busky			
		1,094,211	04/21/1914	Jenoi et al.			
		1,099,180	06/09/1914	Karacsonyi			
		1,102,343	07/07/1914	Kovacs			
		1,272,490	07/16/1918	Matear			
		1,278,320	09/10/1918	Ellithorpe			
		1,338,817	05/04/1920	DeLuca			
		1,502,087	07/22/1924	Bunns			
		1,670,747	05/22/1928	Sestito			
		1,870,065	08/02/1932	Nusser			
		1,870,114	08/02/1932	Heller			
		2,104,924	01/11/1938	Dellea			
		2,122,108	06/28/1938	Modlin			
		2,198,228	04/23/1940	Pinaud, et al.			
		2,299,009	10/13/1942	Denk			
		2,437,227	03/02/1948	Hall			

		2,710,460	06/14/1955	Stasinos			
		2,721,400	10/25/1955	Israel			
		3,041,746	07/03/1962	Rakus			
		3,429,545	02/25/1969	Michel			
		3,822,490	07/09/1974	Murawski			
		4,000,566	01/04/1977	Famolare, Jr.			
		4,030,213	06/21/1977	Daswick			
		4,074,446	02/21/1978	Eisenberg			
		4,183,156	01/15/1980	Rudy			
		4,219,945	09/02/1980	Rudy			
		4,223,457	09/23/1980	Borgeas			
		4,237,625	12/09/1980	Cole et al.			
		4,241,523	12/30/1980	Daswick			
		4,262,433	04/21/1981	Hagg et al.			
		4,267,648	05/19/1981	Weisz			
		4,271,606	06/09/1981	Rudy			
		4,271,607	06/09/1981	Funck			
		4,314,413	02/09/1982	Dassler			
		4,319,412	03/16/1982	Muller et al.			
		4,342,158	08/03/1982	McMahon et al.			
		4,364,188	12/21/1982	Turner et al.			
		4,399,621	08/23/1983	Dassler			
		4,430,810	02/14/1984	Bente			
		4,439,936	04/03/1984	Clarke et al.			
		4,492,046	01/08/1985	Kosova			
		4,494,321	01/22/1985	Lawlor			
		4,535,553	08/20/1985	Derderian			
		4,536,974	08/27/1985	Cohen			
		4,546,555	10/15/1985	Spademan			
		4,559,366	12/17/1985	Hostettler			
		4,566,206	01/28/1986	Weber			
		4,573,279	03/04/1986	Feurer-Zogel et al.			
		4,592,153	06/03/1986	Jacinto			

		4,594,799	06/17/1986	Lin			
		4,598,484	07/08/1986	Ma			
		4,598,487	07/08/1986	Misevich			
		4,610,099	0909/1986	Signori			
		4,616,431	10/14/1986	Dassler			
		4,624,062	11/25/1986	Autry			
		4,638,575	01/27/1987	Illustrato			
		4,638,577	01/27/1987	Riggs			
		4,660,299	04/28/1987	Omilusik			
		4,680,875	07/21/1987	Danieli			
		4,680,876	07/21/1987	Peng			
		4,709,489	12/01/1987	Welter			
		4,715,130	12/29/1987	Scatena			
		4,722,131	02/02/1988	Huang			
		4,731,939	03/22/1988	Parracho et al.			
		4,733,483	03/29/1988	Lin			
		4,746,555	05/24/1988	Luckanuck			
		4,753,021	06/28/1988	Cohen			
		4,774,774	10/04/1988	Allen, Jr.			
		4,794,707	01/03/1989	Franklin et al.			
		4,798,009	01/17/1989	Colonel et al.			
		4,802,289	02/07/1989	Guldager			
		4,815,221	03/28/1989	Diaz			
		4,843,737	07/04/1989	Vorderer			
		4,843,741	07/04/1989	Yung-Mao			
		4,845,863	07/11/1989	Yung-Mao			
		4,878,300	11/07/1989	Bogaty			
		4,881,328	11/21/1989	Yung-Mao			
		4,881,329	11/21/1989	Crowley			
		4,887,367	12/19/1989	Mackness et al.			
		4,905,382	03/06/1990	Lin			
		4,908,962	03/20/1990	Yung-Mao			
		4,910,884	03/27/1990	Lindh et al.			

		4,918,838	04/24/1990	Chang			
		4,936,029	06/26/1990	Rudy			
		4,956,927	09/18/1990	Misevich et al.			
		4,974,345	12/04/1990	Yung-Mao			
		4,984,376	01/15/1991	Walter et al.			
		5,005,300	04/09/1991	Diaz et al.			
		5,014,449	05/14/1991	Richard et al.			
		5,068,981	12/03/1991	Jung			
		5,092,060	03/03/1992	Frachey et al.			
		5,138,776	08/18/1992	Levin			
		5,222,312	06/29/1993	Doyle			
		5,233,767	08/10/1993	Kramer			
		5,343,639	09/06/1994	Kilgore et al.			
		5,353,523	11/11/1994	Kilgore et al.			
		5,560,126	10/01/1996	Meschan et al.			
		5,572,804	11/12/1996	Skaja et al.			
		5,615,497	04/01/1997	Meschan			
		5,685,090	11/11/1997	Tawney, et al.			
		5,782,014	07/21/1998	Peterson			
		5,806,210	09/15/1998	Meschan			
		5,826,352	10/27/1998	Meschan et al.			
		5,853,844	12/29/1998	Wen			
		5,976,451	11/02/1999	Skaja et al.			
		6,018,889	02/01/2000	Friton			
		6,055,747	05/02/2000	Lombardino			
		6,115,944	09/12/2000	Lain			
		6,131,310	10/17/2000	Fang			
		6,233,846	05/22/2001	Sordi			
		6,305,100	10/23/2001	Komarnycky et al.			
		6,324,772	12/04/2001	Meschan			
		6,457,261	10/01/2002	Crary			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES : NO :
		465.267	4/1914	France			: x
		1.227.420	4/1960	France			: x
		2 556 188	6/1985	France			x (Abstract only)
		806 647	2/1949	Germany			: x
		1 485 654	1/1965	Germany			: x
		3400997	7/1985	Germany			: x
		2 032 761	5/1980	United Kingdom			:
		2 173 987 A	10/1986	United Kingdom			:
		146188	11/1990	Japan			: x
		1526637 A1	12/1989	Soviet Union			: x
		21,594	7/1903	Great Britain			:
		7163	10/1906	Great Britain			:
		570 130	9/1974	Switzerland			: x
		1 036 287	1/1997	Spain			: x
		2 080 933	1/1990	Spain			: x

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Article entitled "Hoop Dreams" (Applicant does not know the date of publication; however, it is believed that the publication date for this reference is at least one year prior to the January 8, 2003 filing date for the present application), 1 page
		Advertisement for Aura "Introducing the exciting new performance driven 2001 Aura," 1 page
		Web page translation using babelfish, entitled "The tennis shoe with the motivating force" (Applicant does not know the date of publication; however, it is believed that the publication date for this reference is at least one year prior to the January 8, 2003 filing date for the present application), 2 pages
		FWN, Vol. 46, No. 38, September 17, 1990, "Marco Scatena puts spring in Athlon wearers' control," 1 page
		Spring- and Shock Absorber Bearing Spring Elements Springing Comfort with High Damping (Applicant does not know the date of publication; however, it is believed that the publication date for this reference is at least one year prior to the January 8, 2003 filing date for the present application), 3 pages
		Activ Power Spring System catalog, front and back pages with English translation of back page, 3 pages

EXAMINER	DATE CONSIDERED
EXAMINER: Initial citation if reference was considered. Draw line through citation if not in conformance to MPEP 609 and not considered. Include copy of this form with next communication to applicant.	